

# **Village of Lombard**

*Village Hall  
255 East Wilson Ave.  
Lombard, IL 60148  
villageoflombard.org*



## **Minutes**

**Thursday, June 19, 2014**

**7:30 PM**

**Village Hall Board Room**

**Village Board of Trustees**

## I. Call to Order and Pledge of Allegiance

The Regular Meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 19, 2014 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:30 p.m. Village Clerk Sharon Kuderna led the Pledge of Allegiance.

## II. Roll Call

7 - Sharon Kuderna, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

Village Staff Present:

Village Manager Scott Niehaus

Director of Finance Tim Sexton

Director of Community Development Bill Heniff

Village Engineer Dave Dratnol

Chief of Police Ray Byrne

Fire Chief Paul DiRienzo

Assistant Village Manager Nicole Aranas

Executive Coordinator Carol Bauer

Village President Giagnorio thanked residents for coming out to the Village Board meeting. He spoke of the pros and cons of video gaming and getting the Village Board and residents educated on this matter. He indicated it had been a long six weeks and that not only had he heard, but the entire Village Board, had heard from so many residents via phone calls, text messages, e-mails, personal visits, while standing in line at the Jewel and in his sleep, and so many opposed to video gaming. He noted that the Board and staff had taken this matter very seriously. He felt if you want to change the law, that you need to have a passion about the change. He spoke of the emotion and the passion of many people who were against video gaming. He indicated he had thought long and hard about lifting the ban on video gaming and his final decision was to not support lifting the ban. He talked about his pride for the residents and the community and how he was thankful that the residents had reached out and overwhelmingly voiced their opinions. He was glad to see how the residents cared about the community. He felt that Lombard did not need video gaming and the small amount of revenue generated was not going to affect the community. He and the Board want to do what is right

for the Village. The residents had spoken and the Board listened. Trustee Breen stated that Lombard needed to take the lead on this matter and be a model to other communities who are considering video gaming. He wanted Lombard to reaffirm that we are not only business-friendly, but family-friendly. He felt the actions of Lombard would spread to other communities. He felt that video gaming was not only bad for Lombard, but bad for any community. He asked that the Board consider both ordinances in one motion and to not approve the ordinances.

Trustee Whittington indicated he was proud of the Board and the residents. He felt the residents had spoken loud and clear. He thanked the residents for responding and the Board for listening.

Trustee Fugiel indicated the residents had clearly voiced opposition to video gaming and he would support the residents.

Trustee Foltyniewicz indicated he was proud to be on the Board and glad the Board had taken six weeks to review lifting the ban on video gaming. He thanked the residents for reaching out to the Board.

Trustee Ware felt that each Trustee brings up ideas. He indicated he did suggested reviewing lifting the ban on video gaming. He was glad the Board had reviewed the matter and the Board had reached a consensus.

Trustee Fitzpatrick stated that she had received a flurry of phone calls and e-mails. She thanked all of the residents.

**A motion was made by Trustee Peter Breen, seconded by Trustee Dan Whittington, that Item 140223 (Ordinance Repealing Title 11, Chapter 110, Section 110.11 of the Lombard Village Code - Video Gaming) and item 1402224 (Ordinance Amending Title 11, Chapter 110 of the Lombard Village Code - Registration of Video Gaming Terminals) be moved to before Public Participation. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

### [140223](#)

#### **Ordinance Repealing Title 11, Chapter 110, Section 110.11 of the Lombard Village Code - Video Gaming**

Ordinance with regard to the prohibition of video gaming within the Village of Lombard and requiring a review of said repeal one year after the installation of the first video gaming terminal.

**A motion was made by Trustee Peter Breen, seconded by Trustee Laura Fitzpatrick, that the Ordinance Repealing Title 11, Chapter 110, Section 110.11 of the Lombard Village Code - Video Gaming not be approved. The motion carried by the following vote:**

**Aye:** 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

**Nay:** 1 - Bill Ware

[140224](#)

**Ordinance Amending Title 11, Chapter 110 of the Lombard Village Code - Registration of Video Gaming Terminals**

Ordinance with regard to the registration of video gaming terminals and a registration fee in relation thereto.

**A motion was made by Trustee Peter Breen, seconded by Trustee Dan Whittington, that the Ordinance Amending title 11, Chapter 110 of the Lombard Village Code - Registration of Video Gaming Terminals not be approved. The motion carried by the following vote:**

**Aye:** 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, and Laura Fitzpatrick

**Nay:** 1 - Bill Ware

### III. Public Hearings

### IV. Public Participation

Lynn O'Donnell, 226 S. Brewster, indicated she was against video gaming and thanked the Village Board for voting down allowing video gaming in Lombard. She spoke of downtown and asked the Board to keep the improvement going.

Deb Dynako, 125 S. Craig, indicated she was against video gaming. She stated she spoke at the workshop prior to the Village Board meeting and restated her position. She thanked the Board.

Marymae Meyer, 414 W. Windsor, expressed her opinion against video gaming. She also stated she spoke at the Workshop prior to the Village Board meeting. She thanked the Village Board.

Pat O'Brien, 122 June Lane, indicated he had lived here for 18 years and had never been motivated to speak at a Village Board meeting, but video gaming inspired him to speak. He thanked the Village Board for listening.

Lori Solyom, 22 S. Highland, felt this was a victory for Lombard. She thanked the Village Board and indicated she had spoken at the Workshop.

Marymae Meyer, 414 W. Windsor, questioned the Village Board regarding electric aggregation that had been approved in March of 2012. She felt the process had worked so well and had written letters to the Lombardian, Spectator and Daily Herald after the Village Board approved electric aggregation. She asked why the Village had reverted back to ComEd as the electric provider for residents.

## V. Approval of Minutes

A motion was made by Trustee Dan Whittington, seconded by Trustee Mike Fugiel, that the Minutes of the Regular Meeting of May 15, 2014 be approved. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

## VI. Committee Reports

### Community Relations Committee - Trustee Dan Whittington, Chairperson

Dan Whittington, Chairperson of the Community Relations Committee, reported the committee had met. The committee felt the Youth Leadership Program had been very successful.

### Economic/Community Development Committee - Trustee Laura Fitzpatrick, Chairperson

No report

### Environmental Concerns Committee - Trustee Mike Fugiel, Chairperson

No report

### Finance Committee - Trustee Peter Breen, Chairperson

Trustee Peter Breen, Chairperson of the Finance Committee, reported the committee had met. The Village has installed new software and this should make the financial reports easier to read. The committee reviewed how to handle outstanding parking tickets. This matter to be reviewed again.

### Public Works Committee - Trustee Bill Ware, Chairperson

Trustee Bill Ware, Chairperson of the Public Works Committee, indicated there were many items on the Consent Agenda that were recommendations from the Public Works Committee. He thanked Carl Goldsmith, the Public Works Committee and staff for their hard work on the Complete Streets Program.

**Transportation & Safety Committee - Trustee Reid Foltyniewicz, Chairperson**

No report

**Board of Local Improvements - Trustee Bill Ware, President**

No report

**Community Promotion & Tourism - Trustee Laura Fitzpatrick, Chairperson**

No report

**Lombard Historical Commission**

No report

**VII. Village Manager/Village Board Comments**

Village Manager Scott Niehaus indicated the Village Board had arrived at a consensus to start the July 17th Village Board meeting at 4:30 pm due to a community event that evening.

Trustee Foltyniewicz thanked the Park District for having the Block Party Wagon available for residents and encouraged residents to contact the Park District to schedule using it for parties and other events. He updated residents on various events.

Trustee Whittington indicated there was a Dash on Ash event and this was a great event. He thanked the residents for communicating regarding video gaming and asked them to keep the phone calls coming. Trustee Fugiel spoke about Ale Fest, a huge success for a first year event, and done with volunteers.

Trustee Breen congratulated Nathan Kleptka for receiving his Eagle Scout status.

Trustee Fugiel reminded residents of the Lombard Juniors TLC Camp at Sunset Knolls for children with cancer and their siblings.

President Giagnorio reminded residents of Cruise Nights every Saturday, the Taste of Lombard from July 1-5th at Madison Meadows Park, the Special Blood Drive sponsored by the Jaycees on July 1st, the regular Blood Drive on July 9 at Yorktown and the Village Hall and the Remembering Lauren 5K Run/Walk on June 21st at Willowbrook. Keith congratulated Village Manager Scott Niehaus on his marriage to Jaime McGill.

**VIII Consent Agenda**

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**Payroll/Accounts Payable**

- A. [140219](#)      **Approval of Accounts Payable**  
For the period ending May 16, 2014 in the amount of \$979,508.46.  
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [140225](#)      **Approval of Village Payroll**  
For the period ending May 17, 2014 in the amount of \$819,046.36.  
This Payroll/Accounts Payable was approved on the Consent Agenda
- C. [140226](#)      **Approval of Accounts Payable**  
For the period ending May 23, 2014 in the amount of \$644,950.20.  
This Payroll/Accounts Payable was approved on the Consent Agenda
- D. [140234](#)      **Approval of Accounts Payable**  
For the period ending May 30, 2014 in the amount of \$608,899.41.  
This Payroll/Accounts Payable was approved on the Consent Agenda
- E. [140239](#)      **Approval of Village Payroll**  
For the period ending May 31, 2014 in the amount of \$827,692.85.  
This Payroll/Accounts Payable was approved on the Consent Agenda
- F. [140240](#)      **Approval of Accounts Payable**  
For the period ending June 6, 2014 in the amount of \$954,546.84.  
This Payroll/Accounts Payable was approved on the Consent Agenda
- G. [140252](#)      **Approval of Accounts Payable**  
For the period ending June 13, 2014 in the amount of \$784,999.70.  
This Payroll/Accounts Payable was approved on the Consent Agenda

**Ordinances on First Reading (Waiver of First Requested)**

- H. [140141](#)      **PC 14-05: 1060 E. Roosevelt Road - Discount Tire Expansion**  
Requests that the Village take the following actions regarding the expansion of an existing conditional use and various other site improvements for the subject property located in the B4A Roosevelt Road Corridor District:
1. An amendment to Ordinance No. 5728 which granted a conditional use approval, pursuant to Section 155.415 (C) of the Zoning Ordinance, for an automobile repair establishment; and
  2. An amendment to Ordinance No. 6396 which granted a conditional use approval, pursuant to Section 155.417 (G)(2)(a)(4) of the Zoning

Ordinance, for outdoor display and sales of products. (DISTRICT # 6)

**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**

I. [140190](#)

**PC 14-07: Text Amendments - Microbreweries**

Requests the following text amendments to the Lombard Zoning Ordinance:

1. An amendment to Section 155.802 (and any other relevant sections for clarity) of the Lombard Zoning Ordinance regarding the modification of the definitions of “tavern” and “liquor store, package” and the addition of a definition for “microbrewery;” and
2. An amendment to Section 155.417 (G)(2)(a) of the Lombard Zoning Ordinance to allow “microbrewery” to be listed as a conditional use within the B4A Roosevelt Road Corridor District. (DISTRICTS #2 & #6)

**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**

J. [140191](#)

**PC 14-08: 800 E. Roosevelt Road - Conditional Use for a Microbrewery**

Requests that the Village grant approval of a conditional use, pursuant to Section 155.417 (G)(2)(a) of the Village of Lombard Zoning Ordinance, to allow for a Microbrewery within the B4A Roosevelt Road Corridor District. (DISTRICT #6)

**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**

K. [140192](#)

**PC 14-12: 67 Eisenhower Lane South - Conditional Use for Food or Dairy Manufacture, Packaging, and Processing**

Requests that the Village grant approval of a conditional use, pursuant to Section 155.420 (C) of the Village of Lombard Zoning Ordinance, to allow for a Food or Dairy Manufacture, Packaging and Processing establishment within the I Limited Industrial Zoning District. (DISTRICT #3)

**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**

L. [140211](#)

**ZBA 14-04: 402 S. Ahrens Avenue**

Requests that the Village take the following actions for the subject property located within the R2 Single-Family Residential Zoning District (Robertson’s Westmore Subdivision):

1. A variation from Section 155.407(F)(1) of the Lombard Zoning Ordinance to reduce the required front yard setback from thirty feet (30’) to twenty-one and two-tenths feet (21.2’); and
2. A variation from Section 155.407(F)(3) of the Lombard Zoning Ordinance to reduce the required north interior side yard setback from six feet (6’) to five and five-tenths feet (5.5’). (DISTRICT #5)



This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

M. [140212](#)

**ZBA 14-05: 113 S. Westmore-Meyers Road**

Requests that the Village approve a variation from Section §155.210 (A) (2)(a.) of the Lombard Zoning Ordinance to reduce the minimum interior side setback, when the entire structure is located within the rear twenty-five percent (25%) of the lot, from three feet (3') to two feet (2') and for the same accessory structure reduce the minimum interior side setback, when the structure is located within the front seventy-five percent (75%) of the lot, from six feet (6') to two feet (2'); all for an existing pool and deck located on the property within the R2 Single-Family Residential Zoning District. (DISTRICT #5)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

N. [140213](#)

**ZBA 14-06: 505 E. Sunset Avenue**

Requests that the Village approve a variation from Section 155.407(F)(4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to thirty feet (30'), property located within the R2 Single-Family Residential Zoning District. (DISTRICT #4)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

O. [140233](#)

**Prevailing Wage Rate**

Adoption of the most current Prevailing Wages for public works projects for DuPage County for June 2014.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

P. [140235](#)

**Ordinance Declaring Village-owned Property Surplus - Banners**

Ordinance declaring old Village banners that have been replaced or no longer needed as surplus. (DISTRICTS #1, #4, #5, #6)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Q. [140238](#)

**Ordinance Declaring Village Property Surplus - Handguns**

Ordinance declaring handguns as surplus and authorizing their trade-in toward the purchase of new handguns.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

R. [140247](#)

**Ordinance Declaring Village-owned Property as Surplus - Stretchers**

Ordinance declaring two Ferno stretchers as surplus and authorizing their sale/disposal.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

- S. [140248](#) **Ordinance Declaring Village-owned Property Surplus - Camper**  
Ordinance declaring a 1999 Viking pop-up camper as surplus and authorizing its sale/disposal.  
This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
- T. [140249](#) **Amending Title 11, Chapter 112, Section 112.13 (A) of the Lombard Village Code - Alcoholic Beverages**  
Revising the Class "F" liquor license category to reflect the issuance of a liquor license to Shakti 11 Lombard, Inc. who will be operating the business commonly known as Famous Liquors located at 105 E. Roosevelt Road. (DISTRICT #6)  
This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
- U. [140250](#) **Ordinance Amending Title 11, Chapter 112, Section 112.13 (A) of the Lombard Village Code - Alcoholic Beverages**  
Revising the Class "I" liquor license category to correct and authorize a new license to Lombard Lodge 2350 Loyal Order of Moose who will be operating the business commonly known as the Lombard Moose Lodge located at 328 W. Roosevelt Road. (DISTRICT #2)  
This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
- V. [140251](#) **Amending Title 11, Chapter 112, Section 112.13 (A) of the Lombard Village Code**  
Increasing the Class "A/B-II" liquor license category by one granting a liquor license to Casa Real of Lombard LLC d/b/a Casa Real Cosina Mexicana located at 569 E. Roosevelt Road. (DISTRICT #6)  
This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
- W. [140254](#) **Vacation of Technology Drive Public Right-of-Way; First Vacation (3/4 vote of the Trustees required 5 of 6)**  
Ordinance approving a Plat of Vacation for a portion of the Technology Drive public right-of-way. (DISTRICT #3)  
This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

### Other Ordinances on First Reading

- X. [140229](#) **Proposed Amendments to Section 92.13 of the Village Code -**

**Waste Container Placement**

Ordinance approving text amendments to the Lombard Village Code Title 9, Chapter 92, Section 92.13 regarding placement of refuse containers.  
(DISTRICTS - ALL)

This Ordinance was passed on first reading on the Consent Agenda

**Ordinances on Second Reading****Resolutions**

- Y.     [130659](#)     **ZBA 14-01: 444 S. Westmore/Meyers Road - Encroachment Agreement**  
Authorizing the signatures of the Village President and Village Clerk on a right-of-way encroachment, waiver and agreement. (DISTRICT #5)  
This Resolution was adopted on the Consent Agenda
- Z.     [140222](#)     **Water/Sewer System Supplies, Change Order No. 1**  
Reflecting an increase to the contract with HD Supply Waterworks in the amount of \$20,000.00. (DISTRICTS - ALL)  
This Resolution was adopted on the Consent Agenda
- AA.    [140232](#)     **Terrace View Pond Improvements, Final Balancing Change Order No. 5**  
Reflecting an increase to the contract with Martam Construction, Inc. in the amount of \$4,083.80. (DISTRICT #1)  
This Resolution was adopted on the Consent Agenda

**Other Matters**

- BB.    [140206](#)     **FY2014 Sewer Lateral Lining Project**  
Request for a waiver of bids and award of a contract to Performance Pipeline, Inc. in the amount of \$50,000.00. Public Act 85-1295 does not apply. (DISTRICTS - ALL)  
This Bid was approved on the Consent Agenda
- CC.    [140221](#)     **Civic Center Reservoir Facility Generator Purchase**  
Request for a waiver of bids and award of a contract to Cummins NPower in an amount not to exceed \$84,485.00 for the purchase of one generator. Public Act 85-1295 does not apply. (DISTRICT #6)  
This Bid was approved on the Consent Agenda
- DD.    [140227](#)     **2014 Sewer Cleaning and Televising**  
Recommendation from staff to reject bids and a request for approval to

negotiate a contract with Visu-Sewer of Illinois, LLC. (DISTRICTS - ALL)

**This Bid was approved on the Consent Agenda**

EE. [140091](#)

**Village Board Policy - Complete Streets (6.D.)**

Recommendation from the Public Works Committee to adopt the Complete Streets Policy.

**This Request was approved on the Consent Agenda**

FF. [140161](#)

**Agreement with Fraternal Order of Police Covering Sergeants**

Approving amendments to the two-year Agreement between the Village of Lombard and the Fraternal Order of Police representing Police Sergeants.

**This Request was approved on the Consent Agenda**

GG. [140236](#)

**Summer Banners**

Purchase of 340 Summer Banners; replacement of outdated Summer Banners and the purchase of additional banners, per the directive of the Village Board of Trustees, at a cost of \$20,876, plus hardware and labor, from Folgers Flag and Decorating Inc. (DISTRICTS - ALL)

**This Request was approved on the Consent Agenda**

HH. [140241](#)

**Taste of Lombard**

Request to approve Taste of Lombard Bus Shuttle Service with Illinois Central School Bus in the amount of \$6,192.00.

**This Request was approved on the Consent Agenda**

II. [140253](#)

**Memorandum of Understanding with IAFF**

Approval of a two-year Memorandum of Understanding between the Village of Lombard and the IAFF representing the Fire Lieutenants.

**This Request was approved on the Consent Agenda**

### **Approval of the Consent Agenda**

**A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Bill Ware, to Approve the Consent Agenda The motion carried by the following vote**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

## **IX. Items for Separate Action**

### **Ordinances on First Reading (Waiver of First Requested)**

A. [140231](#)

**Budget Amendment Ordinance (Waiver of First Requested) (2/3**

**Vote Required)**

FY 2013 final budget amendment.

Director of Finance Tim Sexton indicated this was the final budget amendment.

**A motion was made by Trustee Dan Whittington, seconded by Trustee Bill Ware, that this Ordinance be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

**\*A-2. [140255](#)****Ordinance Amending the Budget Ordinance**

Recommendation that the Village Board not adopt an Ordinance amending the Budget Ordinance to appropriate for the Debt Service for the Series 2005-A Bonds and the Series 2005-B Bonds for the Hotel and Conference Center in response to the request from the Lombard Public Facilities Corporation to do so. Waiver of first reading is requested by staff. (2/3 Vote Required)

Trustee Breen spoke about this being the sixth appropriations request to make up obligations for The Westin. He noted these were no legal obligations of the Village. The Ad Hoc Committee is again recommending that the Village not take taxpayers' monies to fund the shortfall and to not approve this request.

**A motion was made by Trustee Peter Breen, seconded by Trustee Bill Ware, that the Village Board concur with the recommendation of the AdHoc Committee and staff and not approve the request for Village funding of the shortfall for the Westin. The motion carried by the following vote:**

**Aye:** 7 - Keith Giagnorio, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

**Other Ordinances on First Reading****Ordinances on Second Reading****Resolutions****Other Matters****X. Agenda Items for Discussion****XI. Executive Session**

## **XII. Reconvene**

## **XIII Adjournment**

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**A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Dan Whittington, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 19, 2014 be adjourn at 8:34 p.m. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware